

United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. **08-02683 ESL**

NIEVES OTERO, YAMIL & SANTIAGO CARDENALES, VIRGINIA

Chapter **13**

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____ <input type="checkbox"/> PRE <input type="checkbox"/> POST-CONFIRMATION		<input checked="" type="checkbox"/> AMENDED PLAN DATED: 5/25/2010 Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other																																																																			
I. PAYMENT PLAN SCHEDULE		II. DISBURSEMENT SCHEDULE																																																																			
<table border="0" style="width: 100%;"><tr><td style="width: 15%;">\$</td><td style="width: 15%; text-align: right;">425.00</td><td style="width: 10%;">x</td><td style="width: 10%; text-align: right;">11</td><td style="width: 10%;">= \$</td><td style="width: 10%; text-align: right;">4,675.00</td></tr><tr><td>\$</td><td style="text-align: right;">0.00</td><td>x</td><td style="text-align: right;">3</td><td>= \$</td><td style="text-align: right;">0.00</td></tr><tr><td>\$</td><td style="text-align: right;">525.00</td><td>x</td><td style="text-align: right;">8</td><td>= \$</td><td style="text-align: right;">4,200.00</td></tr><tr><td>\$</td><td style="text-align: right;">330.00</td><td>x</td><td style="text-align: right;">38</td><td>= \$</td><td style="text-align: right;">12,540.00</td></tr><tr><td>\$</td><td></td><td>x</td><td></td><td>= \$</td><td></td></tr></table> <p style="text-align: right; margin-top: 10px;">TOTAL: \$ 21,415.00</p>		\$	425.00	x	11	= \$	4,675.00	\$	0.00	x	3	= \$	0.00	\$	525.00	x	8	= \$	4,200.00	\$	330.00	x	38	= \$	12,540.00	\$		x		= \$		<p>A. ADEQUATE PROTECTION PAYMENTS OR _____ \$</p> <p>B. SECURED CLAIMS:</p> <p><input type="checkbox"/> Debtor represents no secured claims.</p> <p><input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows:</p> <p>1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS:</p> <table border="0" style="width: 100%;"><tr><td style="width: 30%;">Cr. RG MORTGAGE</td><td style="width: 30%;">Cr. _____</td><td style="width: 30%;">Cr. _____</td></tr><tr><td># 02-0001352387</td><td># _____</td><td># _____</td></tr><tr><td>\$ 3,078.65</td><td>\$ 876.25</td><td>\$ POST PET ARREARS</td></tr></table> <p>2. <input checked="" type="checkbox"/> Trustee pays IN FULL Secured Claims:</p> <table border="0" style="width: 100%;"><tr><td style="width: 30%;">Cr. MUEBLERIAS BERR</td><td style="width: 30%;">Cr. _____</td><td style="width: 30%;">Cr. _____</td></tr><tr><td># 19-019809-01</td><td># _____</td><td># _____</td></tr><tr><td>\$ 2,260.33</td><td>\$ _____</td><td>\$ _____</td></tr></table> <p>3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL:</p> <table border="0" style="width: 100%;"><tr><td style="width: 30%;">Cr. _____</td><td style="width: 30%;">Cr. _____</td><td style="width: 30%;">Cr. _____</td></tr><tr><td># _____</td><td># _____</td><td># _____</td></tr><tr><td>\$ _____</td><td>\$ _____</td><td>\$ _____</td></tr></table> <p>4. <input checked="" type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: BBVA BANCO</p> <p>5. <input type="checkbox"/> Other: _____</p> <p>6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: RG MORTGAGE</p> <p>C. PRIORITIES: The Trustee shall pay priorities in accordance with the law, 11 U.S.C. § 507 and § 1322(a)(2)</p> <p>D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims.</p> <p>1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____</p> <table border="0" style="width: 100%;"><tr><td style="width: 30%;">Cr. _____</td><td style="width: 30%;">Cr. _____</td><td style="width: 30%;">Cr. _____</td></tr><tr><td># _____</td><td># _____</td><td># _____</td></tr><tr><td>\$ _____</td><td>\$ _____</td><td>\$ _____</td></tr></table> <p>2. Unsecured Claims otherwise receive PRO-RATA disbursements.</p>		Cr. RG MORTGAGE	Cr. _____	Cr. _____	# 02-0001352387	# _____	# _____	\$ 3,078.65	\$ 876.25	\$ POST PET ARREARS	Cr. MUEBLERIAS BERR	Cr. _____	Cr. _____	# 19-019809-01	# _____	# _____	\$ 2,260.33	\$ _____	\$ _____	Cr. _____	Cr. _____	Cr. _____	# _____	# _____	# _____	\$ _____	\$ _____	\$ _____	Cr. _____	Cr. _____	Cr. _____	# _____	# _____	# _____	\$ _____	\$ _____	\$ _____
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<p>III. ATTORNEY'S FEES (Treated as § 507 Priorities)</p> <p>Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ 3,350.00</p>		<p>OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR.</p> <p>UNTIL CONFIRMATION ADEQUATE PROTECTION PAYMENT TO BBVA (AUTO LOAN) OF \$ 100.00 MONTHLY</p> <p>DEBTOR PROVIDES FOR THE LIFT OF STAY IN FAVOR OF BBVA AUTO LOAN ACCOUNT ENDING NUMBER 5178.</p>																																																																			
<p>Signed: <u>/s/ YAMIL NIEVES OTERO</u> Debtor</p> <p><u>/s/ VIRGINIA SANTIAGO CARDENALES</u> Joint Debtor</p>																																																																					

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Attorney for Debtor **Marilyn Valdes Ortega Law Offices**

Phone: **(787) 758-4400**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER OF:

**YAMIL NIEVES OTERO
VIRGINIA SANTIAGO CARDENALES**

DEBTOR(S)

CASE NUMBER: 08-02683 ESL

CHAPTER 13 (ASSET CASE)

DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

THE HONORABLE COURT:

COMES NOW, Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.

2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:

a. **Provide for the lift of stay in favor of BBVA account ending number 5178, this in order to adjust the expenses in order to be able to comply with the payment schedule plan.**

3. Debtor (s) amend plan call for eleven (11) payments of \$425.00, eight (8) payments of \$525.00 and thirty eight (38) payments of \$330.00 for a total base of \$21,415.00 dollars with a provision for the payment of pre and post petition arrears to RG Mortgage and the payment in full to Mueblerias Berrios and payments of priorities to Hacienda.

4. Debtor (s) are still is interested in continuing with the bankruptcy procedures and proof if the amendment of the plan in order to comply with the disbursement schedules.

YAMIL NIEVES OTERO
VIRGINIA SANTIAGO CARDENALES
CASE NO.; 08-02683 ESL
Page 2
DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

WHEREFORE, Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

NOTICE

"Parties in interest are notified they have twenty one (21) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter an order granting the motion upon the filing of a certificate of service by the movant that adequate notice was given. Should an opposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this 25th, day of May, 2010.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **Alejandro Oliveras, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
MARILYN VALDES ORTEGA
USDC PR 214711
P.O. Box 195596
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Fax. (787) 763-0144
E-mail valdeslaw@prtc.net

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE: * CASE NO. 08-02683 ESL

YAMIL NIEVES OTERO *
VIRGINIA SANTIAGO CARDENALES

DEBTOR (S) * CHAPTER 13 (ASSETS CASE)

NOTICE OF FILING AMENDED PLAN

TO ALL THE CREDITORS LISTED ON THE ATTACHED
MASTER ADDRESS LIST

NOTICE IS HEREBY GIVEN THAT DEBTOR (S) FILED THE
ATTACHED PLAN ON MAY 25TH, 2010

Parties in interest are hereby granted twenty one (21) days from the date of notice to oppose the motion and request a hearing. If no opposition is filed within the prescribed period of time the Court will enter an order granting the motion upon the filing of a certificate by the movant that adequate notice was given. Should an opposition be timely filed, the Court will schedule the motion for a hearing as contested matter.

MARILYN VALDES ORTEGA
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I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **Alejandro Oliveras, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those parties who in this case have register for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

In San Juan, Puerto Rico, this 25th of May, 2010.

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
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Label Matrix for local noticing
0104-3
Case 08-02683-ESL13
District of Puerto Rico
Old San Juan
Tue May 25 16:40:45 AST 2010

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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)NIEVES OTERO, YAMIL
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(d)R&G MORTGAGE CORPORATION
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End of Label Matrix
Mailable recipients 27
Bypassed recipients 3
Total 30